Another point that occurs to my mind is about the significance of the words 'a person *already* in the service of Our Government". That will lead to several complications. It may be argued 20 years hence that only those persons who are in Government service now should be eligible for such appointments. I apprehend that the parallel of similar provisions in the laws in force in other jurisdictions will be turned against me. I appeal to the good sense of the mover of the motion and impress upon Government the necessity for making specific provision in regard to the qualifications of those in the service of Government also in an unambiguous manner.

The question that the Travancore Official Trustee Bill be read in Assembly was put and carried.

TITLE OF THE BILL.

SECRETARY: The title of the bill shall be "The Travancore Official Trustee Bill".

MR. PUTHUPALLY S. KRISHNA PILLAI: Sir, I beg to move that the Travancore Official Trustee Bill be referred to a Select Committee consisting of the following members:—

1. Mr. S. Chattanatha Karayalar
2. ,, Joseph Vithayathil
3. ,, K. C. Karunakaran
4. ,, T. C. Kesava Pillai
5. ,, K. Kunju Paniker
6. ,, P. S. Muhamed
7. ,, N. V. Joseph
8. ,, K. R. Narayanan
9. ,, N. Ramakrishna Pillai
10. ,, M. Sivathanu Pillai
11. ,, J. W. Tolson
12. ,, Puliyoor T. P. Velayudhan Pillai
13. ,, G. Velu Pillai
14. ,, P. Vivekanandom, and
15. Srimathi K. Devaki Antharjanam.

The motion was put and carried.

THE TRAVANCORE ADMINISTRATOR-GENERAL'S BILL.

MR. PUTHUPALLY S. KRISHNA PILLAI: Sir, I rise to introduce the Travancore Administrator-General's Bill and beg to move that the bill be read in Assembly. As I have already stated, this bill is intended to supplement the bill that has already been referred to a Select Committee. Honourable members will notice that at present there is no law empowering Our Courts to grant letters of administration to a public officer. There are cases in which intestate estates cannot be

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administered for want of an Administrator-General. Under the existing law, letters of administration can be granted to a creditor or a friend of the deceased. But experience shows that it is not always safe to grant such letters to the creditor or the friend of the deceased. In such cases it is necessary that there must be a public officer to undertake the task of discharging the responsibilities of an Administrator. Recently one or two cases were brought to the notice of Government where foreigners died in Travancore leaving movable and immovable properties and their heirs not residing in Travancore. There is no provision at present in our Statutes to empower any person to take possession of those properties and administer them on behalf of the legal heirs. There may be cases in which the real heirs are either not able to come forward or not willing to come forward to manage the estates. In such cases what is the procedure or method that should be adopted for the purpose of preserving the estates or of disposing them? Of course the legal representatives may come forward. Until the legal heirs come forward who is to protect his claims? There must be a responsible person who should be in charge of it. It is not proper that properties should be put in the hands of the first comer.

One of the most important provisions in the bill is that Government will be responsible for the misdeeds of the officer appointed by them. Certain extraordinary powers are proposed to be granted to the Administrator-General corresponding to those in British India. If the principle of the bill is accepted by the House, it will be open to the Select Commitee to suggest such modifications as it deems desirable.

DEPUTY PRESIDENT: The bill is now open for discussion.

MR. N. RAMAKRISHNA PILLAI: Sir, I wish to make a few observations in regard to this bill. The Administrator-General's Bill and its complement the Official Trustees Bill are both very important and beneficent measures and I am therefore glad to support the principles underlying these bills.

Act II of 1105, namely, the Travancore Probate and Administration Act, has already made provision for the appointment of private administrators. But that Act has not made it compulsory in every case to obtain letters of administration to the estate of the intestate in order to establish title to property. It was thought that it may be hard to insist on it as essential in every case inasmuch as it may tend to impose on a multitude of poor and ignorant people even in cases where there is no difficulty or dispute, an unnecessary amount of trouble and expense. That Act therefore has not made it compulsory that probate or letters of administration must necessarily be obtained to establish title to any property of a deceased person as was laid down by the Indian Succession Act, 1925, Sections 212 and 213, the provisions of which were generally followed in that Act.

Clause 9 of the present bill makes it compulsory on the Administrator-General to obtain letters of administration in every case where

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the value of the assets exceeds Rs. 1,000. The bill goes further and makes provision for the grant of certificates by the Administrator-General in cases of assets below Rs. 1,000 to the executor, widow or other person entitled to administer the estate of the deceased and also in favour of creditors in certain circumstances. He may also administer the estate without letters of administration in such cases if any executor, widow or other person does not appear. It may not be hard to insist on letters of administration being obtained by the Administrator-General in cases of the deceased leaving assets of the value of above Rs. 1,000. But the provisions relating to the grant of certificates in regard to cases of assets below Rs. 1,000 seems to me to be likely to entail hardship on a large number of poor and ignorant people in this country. I think that these provisions should not in any case be brought into operation all at once. Having regard to the policy of the law as enacted in Act II of 1105 which does not make it compulsory to obtain letters of administration in all cases of intestacy, and having regard to the condition of the people in this country, it will be well to keep these provisions in abeyance for some time to see how the other provisions work and also to see whether there is need for the enforcement of the provisions regarding assets below Rs. 1,000. I would therefore suggest that the provisions relating to the grant of certificates and the administration of assets below Rs. 1,000 may be kept in abeyance and that power may be given to Government to bring these provisions into operation at a future time by notification in the Gazette.

Section 153 of the Probate and Administration Act II of 1105 says that no proceedings to obtain Probate of a will or letters of administration to the estate of any deceased person shall be instituted in any court except under that Act. This provision has to be noted and suitable amendments will have to be made in the present bill.

Another matter which I have to call attention to is in regard to the application of the Act. Clause 1 (1) of the bill merely says that it extends to the whole of Travancore. The corresponding provision in the Indian Act is that the Act extends to the whole of British India and applies also to all British subjects in Indian States. The question of extra-territorial jurisdiction in regard to Travancore subjects abroad is one of constant occurrence and has to be considered in this connection.

With the passing of the bill under consideration the law of the intestate succession in this State at any rate in regard to all the major communities may be said to be complete. This is not the case with regard to the law of testamentary succession. We have a Wills Act which was passed so long ago as in 1074 and it is incomplete. In enacting the Probate and Administration Act II of 1105 only a part of the law relating to Wills has been adopted by us. The Indian Succession Act contains a complete set of rules regarding testamentary succession, and those provisions, or provisions similar to those may

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[Mr. N. Ramakrishna Pillai.]

with very great advantage be codified and placed on the Statute Book. The need for the enactment of a complete law of wills is greater now because almost all the Marumakkathayam communities in the State have changed their system of succession, and individual rights of ownership have come into very great prominence. The people have to depend upon general principles of law obtaining in other jurisdictions and no one can predict with any certainty whether all those principles are going to be adopted by Our Courts. I trust that this subject will soon engage the attention of the Government and the learned Legal Remembrancer.

SADASYATHILAKA T. K. VELU PILLAI: Sir, I should not have spoken, had it not been for the suggestion made by Mr. Ramakrishna Pillai that in regard to property worth less than 1,000 rupees Government may have the power to issue orders and notification. This law-making power of Government must be watched with great jealousy. It is a kind of new despotism created. Mr. Ramakrishna Pillai cannot, I believe, be a party for encouraging despotism. On principle also I cannot help opposing this. It is absolutely wrong to make it appear that we do not propose to exercise the powers conferred upon us and leave it to the good will of the Government to enact a law.

MR. PUTHUPALLY S. KRISHNA PILLAI: I thank the honourable members for the very valuable suggestions which they have made. If the principle of the bill is accepted, the various details which might be open for criticism can be dealt with later. If the House would accept the general principles underlying the bill, it will be open to the Select Committee to which this bill may be referred to deal with all the questions raised by the honourable members. I do not want to take up the time of the House by replying in detail to the various observations which have been made in this House. So I move, Sir, that the bill be read in the Assembly.

The question that the bill be read in the Assembly was put and carried.

SECRETARY: The title of the bill shall be "THE TRAVANCORE ADMINISTRATOR-GENERAL'S BILL."

MR. PUTHUPALLY S. KRISHNA PILLAI: Sir, I move that the bill be referred to a Select Comimittee consisting of the following members:

1. Mr. S. Chattanatha Karayalar
2. „ P. C. Adichan
3. „ E. E. Pandarathil
4. „ D. Francis
5. „ C. Jebamony Nadar
6. „ M. L. Janardanan Pillai
7. „ P. Narayana Pillai
8. „ K. P. Kochukoratharakan
9. „ P. Kunjukrishnan

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10. Sahib Bahadur H. O. L. Marikar
11. Mr. S. Narayana Pillai
12. „ N. Ramakrishna Pillai
13. „ P. Sivarama Pillai
14. „ T. T. Kesavan Sastri
15. „ N. Narayana Kurup

The motion was put and carried.

DEPUTY PRESIDENT: Now the House has disposed of all the official business. There is no business for tomorrow. So I leave it to the House to decide whether the House should sit tomorrow.

MR. KAINIKKARA M. PADMANABHA PILLAI: Sir, the majority are of the opinion that the House need only meet day after tomorrow.

The House adjourned at 4-7 P. M. to meet again on Thursday the 26th March 1942 at 11 of the clock.

V. S. ARUMUKHOM PILLAY,
Secretary to the Sri Mulam Assembly.

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